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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,969	01/23/2001	Bruce Evans	CNL-1	2236

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EXAMINER

PATEL, JAGDISH

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,969

Applicant(s)

EVANS, BRUCE

Examiner

JAGDISH PATEL

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/28/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6 and 7 describe the buyers requirements, which does not affect the limitation "means for electronically receiving from registered buyers ..offers". The function of receiving offers from buyers is carried out irrespective of the nature of the offers. In this regard the limitations of claims 6 and 7 are treated as "descriptive material" because they (i.e. the specifics of the buyer requirements) do not structurally relate to the apparatus or limit the apparatus in any manner. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983), *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Luke et al. (US Pat. 6,131,087) (Hereafter "Luke").

5. Per claim 1, Luke discloses a Data processing apparatus for use in the trading of goods and services which includes:

a buyers register for holding details of goods and services from buyers,

(solicitation database 200, Fig. 1 and col. 5 L 53-65)

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a sellers register for holding details of goods and services from sellers,

(solicitation database 200, Fig. 1 and col. 5 L 53-65)

means for electronically receiving, via a secure connection, details from registered sellers relating to goods and services which they have available for sale and an asking price;

(system gateway 80, Fig. 1, col. 5 L 25-39, and col. 5 L 53-65)

means for storing said details received from registered sellers;

(solicitation database 200, Fig. 1 and col. 5 L 53-65)

means for electronically receiving from registered buyers, via a secure connection, offers to purchase raw cotton, said offers including details of their requirements and an offer price;

(system gateway 80, Fig. 1, col. 5 L 25-39, and col. 5 L 53-65)

means for storing said received offers to purchase;

(solicitation database 200, Fig. 1 and col. 5 L 53-65)

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means for matching the stored offers to purchase with the stored details received from registered sellers and selecting the matched offer with the lowest asking price;

(col. 7 L 14-25, note that comparison of points for each dimension involves lowest asking price (offer data) with the solicitation data including bid price of goods being traded)

means for generating a proposal for purchase based on said selected offer, including the respective asking price, and electronically transmitting said proposal to the buyer;

(see col. 9 L 49-60, "the proposition" and Fig. 3)

and

means for electronically receiving an acceptance or refusal of said proposal and communicating an acceptance electronically to the buyer.

(col. 9 L 49- col. 10 L 14 and Fig. 3)

(Note that broad interpretation of goods and services includes commodities such as cotton. All elements of the applied reference are functionally applicable to and independent of the type of goods or commodities.)

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Claim 2. Data processing apparatus according to Claim 1, in which said proposal does not identify the seller and said acceptance or refusal does not identify the buyer.

(see col. 9 L 39-41)

Claim 3. Data processing apparatus according to Claim 1 , including means for electronically generating and exchanging contracts between the buyer and seller.

(see col. 10 L 35-50)

Claim 4. Data processing apparatus according to Claim 1, means for retrieving said stored details received from sellers and electronically sending them to registered buyers.

(see Fig. 1, participant interface, col. 5 L 25-39)

Claim 5. Data processing apparatus according to Claim 1, including means for retrieving said stored offers to purchase and electronically sending them to registered sellers.

(see Fig. 1, participant interface, col. 5 L 25-39)

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Claim 6. Data processing apparatus according to Claim 1 , in which the buyers requirements include details of the kind of cotton they require.

(see col. 5 L 60-65, product identifier)

Claim 7. Data processing apparatus according to Claim 1, in which the buyers requirements include details of the quantity of raw cotton which they require.

(see product quantity, col. 6 L 20-24)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luke as applied to claim 1 above, and further in view of Shkedy (US Pat. 6236972).

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While the data processing apparatus of Luke reference teaches all elements per claim 1 analysis, it fails to teach that the buyers and sellers registers include biometric verification data and the apparatus includes means for receiving and verifying biometric details from the buyer and seller against the biometric information held in the database.

Shkedy, in the same field of endeavor, however, teaches an apparatus for facilitating transactions on a commercial network system which comprises a buyer and seller registers include verification data and the apparatus includes means for receiving biometric details from the buyer and seller against the biometric information held in the database (see Shkedy col. 4 L 65- col. 5 L 7 and Figures 2-4 with relevant details).

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the features of biometric verification as detailed above because the use of biometrics would make it significantly more difficult for unauthorized persons to tamper with the system by passing themselves off as legitimate buyer or seller or eavesdropping on system communications.

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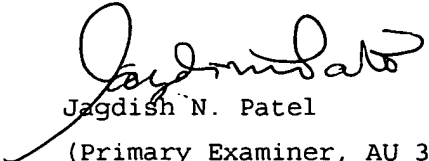
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (703)308-7837. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703)308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

01/26/05